IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

J U D G M E N T

(1) S.B. CIVIL WRIT PETITION NO. 1139/1999
LAXMAN SINGH SOLANKI Vs. STATE OF RAJASTHAN & ORS.

(2) S.B. CIVIL WRIT PETITION NO. 1118/1999
DEVENDRA SINGH HADA Vs. STATE OF RAJASTHAN & ORS.
&
(1) S.B. CIVIL WRIT PETITION NO. 1134/1999
KAMLESH KUMAR JAIN Vs. STATE OF RAJASTHAN & ORS.

Date: 19.12.2006.

HON'BLE MR. K.S. RATHORE, J.

None present for the petitioners.
Mr. Arun Choudhary for
Mr. Bharat Vyas, AAG for the respondents.

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As all these three writ petitions involve similar question of law and facts, therefore, they are being decide by this common judgment.

The petitioners are working as Data Entry Operator in the Engineering College, Kota and have preferred this writ petition seeking writ, order or direction directing the respondents to grant Pay Scale No.9 of Rs. 1200-2050 as amended on 01.02.1992 with effect from 01.02.88.and consequently fixation in the Rajasthan Civil Services (Revised Pay Scales) Rules, 1998 (for short 'the Rules of 1998') along with arrears on the ground that the post of Data Entry Operator was

sanctioned by the Government of Rajasthan and was included by way of amendment made on 01.02.92 in Rajasthan Civil Services (Revised Pay Scales) Rules, 1989 with effect from 01.09.88. As per the amendment, the post carried the pay scale No.9 i.e. Rs. 1200-2050 but the petitioners have not been paid the pay scale No.9 despite several representation and preferred this writ petition.

Per contra the respondents submit that the petitioners are not entitled to relief which they claimed in respect of grant of pay scale No.9 of Rs. 1200-2050 and fixation in the Rajasthan Civil Services (Revised Pay Scales) Rules, 1989. It is further submitted that the major part of the society is funded by the State of Rajasthan and every year its Board of Directors decides budget estimation for approval by the Government. The budget estimate inter-alia includes the projected pay scale etc. and same are accorded in terms of the approval given by the Government in this regard, since for relevant period and for the post in question, budget estimation was at 975-1720, which was approved by the Government, therefore, any scale other than this could not have been granted because the society on its own cannot exceed what it has fixed to follow. It is also submitted that upon availability of the sanctioned

post, advertisement seeking application from incumbents was published and there also the post was advertised with pay scale. The petitioners accepted the grant of the pay scale without any objection, therefore, now at this stage, the petitioner cannot be allowed to turn back and question the propriety of pay scale carried with the post.

I have considered the averments made in the writ petition and the submissions made on behalf of the respondents.

It is not disputed that pay scale has been revised and the Data Entry Operators are given pay scale No.9 i.e. 1200-2050. As per the submissions made on behalf of the respondent Nos. 2 and 3 without disputing that the revision of pay scale has been made effective w.e.f. 01.09.88 but the extra budget is required to be sanctioned by the respondent State and then only payment can be made and at the relevant point of time the Government accorded sanction in the pay scale of 975-1720 and the same has been paid. Now on revision, the petitioners have claimed the benefit of the revised pay scale.

Upon careful consideration, I am of the view as it is not disputed that pay scale has been revised and made effective w.e.f. 01.09.88, it is for the

respondents Nos. 2 and 3 to send the proposal for extra budget to provide budget and after receiving the sanction from the state, arrears of the pay scale as claimed shall be paid to the petitioners.

As it is evident that the petitioners are getting revised pay scale from 1992, thus, the petitioners are only entitled to get the arrears for the period from 01.09.88 to 01.02.92. The respondents are directed to take appropriate steps in this regard expeditiously.

All the writ petitions stand allowed accordingly.

(K.S. RATHORE),J.

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